

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**ESTATE OF FRANCES D. DEROSA,**

Plaintiff,

v.

**GOVERNOR PHILLIP D. MURPHY, *et al.*,**

Defendants.

Civil Action No. 22-2301 (ZNQ) (TJB)

**REVISED ORDER**

**QURAISHI, District Judge**

**THIS MATTER** comes before the Court upon two Motions to Dismiss filed by Defendants Philip D. Murphy, Judith M. Persichilli (collectively, “State Defendants”), Gateway Care Center, LLC d/b/a Gateway Care Center n/k/a Shore Pointe Care Center, Jonathan Rosenberg, and Yehudah Kramer (collectively, “Gateway Defendants”) (ECF Nos. 6, 8), as well as Gateway Defendants’ Motion for Reconsideration (ECF No. 24). For the reasons set forth in the Court’s prior Opinion (ECF No. 22) and the Court’s accompanying Letter Order (ECF No. 31),

**IT IS** on this **18th** day of **December 2023**,

**ORDERED** that the State Defendants’ Motion to Dismiss (ECF No. 6) is hereby **GRANTED**; Count I (42 U.S.C. § 1983 violations) and Count II (New Jersey Civil Rights Act violations) of the Complaint are hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED** that given that the Court exercised its discretion in the accompanying Letter Order to decline supplemental jurisdiction over Counts III–V of the Complaint, Gateway Defendants’ Motion to Dismiss is **DENIED AS MOOT**; and it is further

**ORDERED** that Plaintiff is hereby granted leave to file an Amended Complaint within 30 days of the entry of this Order. Failure to cure the defects noted in the prior Opinion may lead to dismissal of one or more claims with prejudice. The Court notes that a First Amended Complaint has already been filed. (ECF No. 28.) The parties are instructed to meet and confer and advise within 7 days whether Plaintiff wishes to file a Second Amended Complaint or to proceed with its First Amended Complaint, and to propose a schedule for the filing of any subsequent pleading together with any response(s) thereto.

s/ Zahid N. Quraishi  
**ZAHID N. QURAISHI**  
**UNITED STATES DISTRICT JUDGE**